

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

In re:	)	
MOJEED A SALAKO and	)	Case No. 12-20272-jes
TITILOLA O. SALAKO,	)	Chapter 13
	)	
Debtors.	)	

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**NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN**

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Mojeed A. Salako AND Titilola O. Salako have filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court  
517 E. Wisconsin Avenue, Room 126  
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Nathan E. DeLadurantey  
DeLadurantey Law Office, LLC  
735 W. Wisconsin Avenue, Suite 720  
Milwaukee, WI 53233

If you or your attorney does not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

### REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:
  - A.   X   the Debtor;
  - B.        the Chapter 13 Trustee (post-confirmation modifications only);
  - C.        the holder of an unsecured claim (post-confirmation only).
2. This is a request to modify a Chapter 13 Plan (Select A. or B.):
  - A.        post-confirmation;
  - B.   X   pre-confirmation (Select i. or ii.):
    - i.   X   Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (LBR 3015(b)); or
    - ii.        Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are:
3. The Proponent wishes to modify the Chapter 13 Plan to do the following: (1) Pay the greater of 1/2 or the nonexempt portion of personal injury claim proceed. (2) Pay portion of personal property tax that was not surrendered per proof of claim #15.
4. The reason(s) for the modification is/are: not addressed in previous plan mod.
5. Select A. or B.
  - A.        The Chapter 13 Plan confirmed or last modified on    is modified as follows:
  - B.   X   The unconfirmed Chapter 13 Plan dated February 13, 2012 is modified as follows:

**2. Plan Payments and Length of Plan.** Debtor shall pay the total amount of \$264,000 by paying \$4,400 per (check one) ☒ month ☐ week ☐ every two weeks ☐ semi-monthly to Trustee by ☐ Periodic Payroll Deduction(s) from (check one) ☐ Debtor ☐ Joint Debtor or by ☒ Direct Payment(s) for the period of 60 months. The duration of the plan may be less if all allowed claims in every class, other than long-term claims, are paid in full.

**5(B). Other Priority Claims (e.g., tax claims).** These priority claims will be paid in full through the plan.

(a) Creditor	(b) Estimated claim
<b>IRS - Centralized Insolvency Operation</b>	<b>\$546.09</b>
<b>Wisconsin Department of Revenue</b>	<b>\$2,480.56</b>
<b>Totals:</b>	<b>\$3,026.65</b>

**6(A)(ii)(a). Secured Claims - Full Payment of Debt Required.**

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Claim Amount	(e) Interest Rate	(f) Estimated Monthly Payment	(g) Estimated Total Paid Through Plan
City of Milwaukee – City Treasurer	Tax Lien		\$15,534.00	12%	Pro rata	\$17,398.08
City of Milwaukee – City Treasurer	Tax Lien		\$757.41	12%	Pro rata	\$848.30
Wisconsin Department of Revenue	Tax lien	Filed 8-19-2010	\$2,012.42	12%	Pro rata	\$2,253.91
<b>TOTALS</b>			<b>\$18,501</b>		<b>Pro rata</b>	<b>\$20,500.29</b>

**6(A)(ii)(b).**

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Replacement Value/Debt	(e) Interest Rate	(f) Estimated Monthly Payment	(g) Estimated Total Paid Through Plan
Fifth Third Bank	2003 Toyota Sequoia	9/2006	\$8,800.00	4.75%	Pro Rata	\$9,903.60
<b>TOTALS</b>					<b>Pro Rata</b>	<b>\$9,903.60</b>

**6(B)(ii).**

☒ If checked, the Debtor has an arrearage claim secured by Real Property that the Debtor will cure through the Plan. Trustee may pay each allowed arrearage claim the estimated monthly payment indicated in column (d) until paid in full.

(a) Creditor	(b) Property	(c) Estimated Arrearage Claim	(d) Estimated Monthly Payment	(e) Estimated Total Paid Through Plan
US Bank, National Association	Homestead real property located at 6910 N. 80 <sup>th</sup> Street, Milwaukee, Wisconsin, 53223	\$4,548.29	Pro Rata	<b>\$4,548.29</b>
<b>TOTALS</b>		<b>\$4,548.29</b>		<b>\$4,548.29</b>

**6(C). Surrender of Collateral.** This Plan shall serve as notice to creditor(s) of Debtor's intent to surrender the following collateral. Any secured claim filed by a secured lien holder whose collateral is surrendered at or before confirmation will have their secured claim treated as satisfied in full by the surrender of the collateral.

(a) Creditor	(b) Collateral to be surrendered
Aurora Loan Services, Inc.	Real property located at 5920 N. 67 <sup>th</sup> Street, Milwaukee, Wisconsin, 53218
US Bank, National Association	Real property located at 8980 N. 85 <sup>th</sup> Street, Milwaukee, Wisconsin, 53224. Fair market value per 2011 property tax bill (\$420,100.00), reduced by
US Bank, National Association	Real property located at 8980 N. 85 <sup>th</sup> Street, Milwaukee, Wisconsin, 53224
US Bank, National Association	Real property located at 8980 N. 85 <sup>th</sup> Street, Milwaukee, Wisconsin, 53224
US Bank, National Association	Real property located at 8980 N. 85 <sup>th</sup> Street, Milwaukee, Wisconsin, 53224
City of Milwaukee – City Treasurer	Personal property taxes on real property located at 8980 N. 85 <sup>th</sup> Street, Milwaukee, WI 53224

**10. Special Provisions.** Notwithstanding anything to the contrary set forth above, the Plan shall include the provisions set forth below. **The provisions will not be effective unless there is a check in the notice box preceding Paragraph 1 of this plan.**

- (A) The secured claim of US Bank, National Association, Proof of Claim No. 12, shall be paid in full through the plan on a pro rata basis at 5% interest.
- (B) The greater of ½ of the net proceeds or the non-exempt portion of the debtors' personal injury claim shall be paid into the plan.

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

**6. BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.**

#### **CERTIFICATION**

I, Nathan E. DeLadurantey, attorney for debtors, Mojeed Salako and Titilola Salako, certify that I have reviewed the modification proposed above with the debtors, and that the debtors have authorized me to file it with the court.

/s/ Nathan E. DeLadurantey

Counsel for the debtors

October 10, 2012

Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated: October 10, 2012.

DeLadurantey Law Office, LLC  
Attorneys for Debtor

/s/

By: Nathan E. DeLadurantey  
State Bar No. 1063937

Drafted by:  
Nathan E. DeLadurantey  
SBN 1063937  
735 W Wisconsin Ave., Suite 720  
Milwaukee, WI 53233  
(414) 377-0515; Fax (414) 755-0860  
nathan@delaw-law.com

A copy of the foregoing filed electronically on October 10, 2012 with:

Clerk, U.S. Bankruptcy Court  
517 East Wisconsin Avenue  
Milwaukee, WI 53202

Copies of the foregoing, mailed or sent electronically  
if the party named accepts electronic service on October 10, 2012:

Office of the U.S. Trustee  
517 East Wisconsin Avenue, #430  
Milwaukee, WI 53202

Mary B. Grossman  
PO Box 510920  
Milwaukee, WI 53203

/s/Caitlin York, Paralegal  
(Electronically filed by or mailed by)